THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.18060 of 2007

Dt:24.08.2007

Between:

The Prakasam District Milk Producers Mutually Aided Co-operative Union Limited.

.. Petitioner

and

Southern Power Distribution Company of A.P. Limited and others.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.18060 of 2007

ORDER:

The petitioner had a milk chilling center at Yerragondalapalem, Prakasam District. It is provided with power supply, through Service Connection No.632. The premises were inspected on 27.07.2006 and it was found that the power was drawn directly, by by-passing the meter. The Superintending Engineer, 2nd respondent herein, passed an order of final assessment on 31.07.2006, directing the petitioner to pay a sum of Rs.79,280/-. The amount has been paid. The petitioner states that the power supply was suddenly disconnected, on the allegation that a criminal case is still pending in a

Court of law, in relation to the same pilferage. The petitioner challenges the action of the respondents.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

In pursuance of an order of final assessment passed by the second respondent, the petitioner had already deposited the amount indicated therein. Simultaneously, the respondents had initiated criminal proceedings against the petitioner. The power supply was suddenly disconnected, on the ground that the criminal case is yet to be disposed of. The pendency of a criminal case can never constitute the basis for disconnection of power supply.

Learned Standing Counsel for the respondents submits that on noticing that the disconnection was not proper, the respondents have restored the power supply to the petitioner. In that view of the matter, the grievance of the petitioner stands redressed.

Hence, the writ petition is disposed of, directing that the respondents shall not disconnect power supply to the petitioner, except by following the procedure prescribed by law. There shall be no order as to costs.

24.08.2007

JSU